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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,653	12/30/1999	RONALD M. SMITH	42390.P6384	6654

7590

02/27/2004

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 02/27/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/475,653

Applicant(s)

SMITH ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,11-16,18-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,11-16,18-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is in response to the Amendment filed on February 02, 2004.
2. Claims 1-2, 4-8, 11-16, 18-21 and 23-26 are presented for examination following the amendment.
3. The Examiner acknowledges the cancellation of Claims 3, 9-10, 17 and 22.
4. Claims 1-2, 4-8, 11-16, 18-21 and 23-26 are rejected under 35 U.S.C. 103(a).
5. Applicant's arguments with respect to the independent claims 1, 8, 15 and 20 have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4-8, 11-16, 18-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott Corey Miller (U.S. Patent No. 6,421,707 and Miller hereinafter) in view of Pamela Sue Austin (U.S. Patent No. 6,157,924 and Austin hereinafter).

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8. Regarding Claims 1, 7, 13-14, and 26, Miller teaches:

creating a user profile (Figure 1, Element 135)

obtaining new information (Col 4, Lines 21-23)

identifying a user profile from the user profile database in response to the new information (Col 2, Lines 65-67 through Col 3, Lines 1-5)

delivering a notice in response to the user profile via the first delivery vehicle (Col 5, Lines 1-4, i.e. *(or defaulted to, as appropriate)*; see also (Col 5, Lines 4-5, i.e. *when the notification of Radhika's e-mail arrives at Thomas' handset 411*).

Miller reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the step of selecting a first delivery vehicles of at least two delivery vehicles. However Miller teaches delivery format and how one of them is more appropriate then the other and how the user may select one based on a preference

(Abstract, i.e. *The subscriber is then notified by the network of the message (delivery mechanism) and then delivers the message and any multimedia attachments to the message to the subscriber, according to a delivery indication sent by the subscriber (according to the user profile) to the network*; Col 3, Lines 33-38; see also Col 5, Lines 8-12, i.e. *providing a number of data services*; see also Col 4, Lines 49-51; see also Col 2, Lines 58-64, i.e. *Delivery system 160 includes interfaces to a variety of delivery systems*; see also Col 3, Lines 16-19, i.e. *Converter bank subsystem 180 converts an input into an appropriate delivery format prior to its delivery to the subscriber. The delivery format is advantageously specified by the subscriber*).

Given the intended broad application of the Miller system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to apply a plurality of delivery vehicles instead of limiting the invention to just one, one reason would be to increase the flexibility of the system by reaching a larger user community when more than one vehicle can be used.

Miller reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the step of delivering the notice via a second delivery vehicle of at least two delivery vehicles when the delivery through the first delivery vehicles was unsuccessful. However Austin teaches delivering the notice via a second delivery vehicle of at least two delivery vehicles (Figures 3, 4A and 6D), but the reference is silent towards the reason for sending the notice through a second delivery vehicle (unsuccessful). However the reference addresses the verification process (Col 3, Lines 17-32) which would be obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Miller with the teachings of Austin to add another reason or another verification process (see Col 3, Line 20, i.e. not limited to) that uses a second delivery vehicle by making sure that the information was submitted, and if not then selecting another way to deliver the information.

Regarding Claims 2, 11, 16 and 21, Miller teaches receiving the user profile (Figure 4c; see also Col 4, Lines 41-51; see also Figure 11).

Regarding Claims 4, 18 and 23, Miller teaches SMS (Figure 1, Element 160; see also Figure 4c, Element 410).

Regarding Claims 5, 19 and 24, Miller teaches SMTP (Figure 1, Element 160: see also Figure 4c, Element 410).

Regarding Claims 6, 12 and 25, Miller teaches secure manner (Figure 4a – 4b; *i.e. the security option on the top tool bar*).

Regarding Claims 8, 15 and 20, the limitations of these claims have been noted in the rejected claim 1, above. In addition Miller teaches memory and processor (Col 3, Lines 53-65).

***Points of Contact***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

***Haythim J. Alaubaidi***

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Patent Examiner  
Technology Center 2100  
February 22, 2004

  
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